



Dormington and Mordiford Group Neighbourhood Development Plan 2025-2031

Herefordshire Council responses to the Independent Examiner's
initial comments
July 2025

Regulation 16 Comments

6. I would specifically highlight the recent letter from Natural England dated 20th June 2025 which was forwarded to me and which I am accepting as a late Regulation 16 representation. If the Parish Council wishes to comment on that letter, then that would be appropriate. I would ask both the Parish Council and Herefordshire Council to publish the letter from Natural England on the respective websites.

Yes, the letter from Natural England has been published on the Herefordshire Council website specific webpage for the [Dormington and Mordiford Group Neighbourhood Development Plan](#)

Neighbourhood Plan Policies

Policy DM1: Conserving and Enhancing Local Landscape Character

10. Can Herefordshire Council clarify what its requirements are for the submission of a Landscape and Visual Impact Assessment as set out in its local validation list?

Herefordshire Council does not have a local validation list. A full Landscape and Visual Impact Assessment is required when it is scoped into a development that falls within the EIA Regulations. The requirement for smaller scale development, is determined on a case-by-case basis and those schemes that are found to be in sensitive or valued landscapes or locations with a high visual amenity are requested to submit Landscape and Visual Impact Assessment at the pre-application stage.

13. Can Herefordshire Council clarify the status of the Position Statements referred to in the last part of the policy? Are they part of the development plan or the evidence base for the Local Plan and have they been subject to public consultation?

Please send me a link to the statements.

The Position statements referred to in this policy for the Wye Valley are not part of the development and do not form part of the evidence base. The Position Statements seek to help to deliver the strategic objectives and policies contained within the Wye Valley AONB Management Plan 2021-2026. The Wye Valley National Landscapes Management Plan is a statutory document and a material consideration in planning decision-making.

According to the Wye Valley National Landscapes Webpage, the Position Statements have been subject to public consultation carried out by the Wye Valley National Landscape team.

[Position Statements - Wye Valley AONB](#)

Policy DM3: Biodiversity

15. I would welcome the views of Herefordshire Council as to how it believes this policy sits along the new statutory biodiversity net gain requirements which have now been implemented which envisages that these matters are to be dealt with as a post permission matter

The policy would seem broadly compatible with the statutory BNG under the Environment Act 2021. While BNG is now a requirement to be addressed generally as a post-permission matter through the submission of a Biodiversity Gain Plan, development plan policy remains relevant in terms of considering site specific impacts of development on ecology/ biodiversity. Policy DM3 therefore seems to provide guidance on the expectations for ecological design, landscaping and habitat enhancement measures that may inform the layout and content of proposals prior to submission and assist in meeting wider /site-specific biodiversity objectives.

The emphasis on the retention and improvement of on-site habitats (Part 1), including the use of planting schemes, management of hedgerows and watercourses etc, and dark skies considerations, is general standard principles of good design and provision of green infrastructure etc. These are distinct from but complementary to, the formal BNG process and remain relevant / material considerations even in cases where statutory BNG is not triggered.

With the above in mind ,certain development is exempt from the statutory BNG requirement under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. This includes householder applications, Permitted Development, self-build schemes (minor apps) and proposals below the minimal threshold (affecting less than 25m² of habitat or 5-metres of linear habitat). In these cases, the provisions of policy DM3 outline below could still provide /secure ecological enhancements through the planning process, even in the absence of a formal BNG requirement.

In terms of securing of off-site biodiversity enhancements, we do not ordinarily seek off-site contributions other than through the mechanisms provided by the statutory BNG regime (in accordance with a legally secured Biodiversity Gain Plan). As such, notwithstanding the aspirations of the policy, the requirement for off-site gains lies outside of the statutory BNG process could be challenging to justify in practice, particularly where development is BNG-exempt or where no demonstrable biodiversity impact has been identified. It may be best to incorporate this into the landscape policy or a more generic ecology

In summary this NDP policy would provide more local guidance on implementation of the NPPF Section 15 requirements, LURA duties and Environment Act duties in respect of wider nature conservation, including in respect of National Landscapes and Core

Strategy policies such as SS1, SS6, LD1-4 which is a separate consideration to the higher statutory BNG.

Policy DM7: Housing

22. Can Herefordshire Council confirm whether the amalgamation of two properties into a single property actually constitutes development which requires planning permission?

Yes, amalgamation of two properties does constitute development which requires planning permission in Herefordshire.

Policy DM11: Sustainable and Active Travel

30. Can Herefordshire Council confirm whether electric car charging points are now covered by Part S of the Building Regulations?

Yes, the council can confirm that Part S of the Building Regulations provide provisions for electric charging points

Policy DM 12: Local Infrastructure and Developer Contributions

31. Can Herefordshire Council outline what its current position is regarding CIL or on what basis does it seek Section 106 payments?

Herefordshire Council does not charge CIL. As stated in Core Strategy Policy ID1 developer contributions towards strategic infrastructure through s106 agreements and/or a future Community Infrastructure Levy (CIL), will be secured in accordance with national planning policies and other relevant legislation.

The “Planning Obligations SPD” was adopted in 2008 to support the Unitary Development Plan (UDP), which as of October 2015 has been replaced by the Core Strategy.

There is a section in the document entitled “Affordable Housing” and it sets out how affordable housing can come forward as part of Section 106 agreement. As policy and guidance on affordable housing has moved on since then, the council prepared an Affordable Housing SPD to update the position, which was adopted in 2021.